

02- 0 -0002

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING, DEVELOPMENT, AND NEIGHBORHOOD CONSERVATION (BUREAU OF NEIGHBORHOOD CONSERVATION) TO CLEAN THE PREMISES AND CLOSE THE VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON NOVEMBER 29, 2001.

2539 Abner Place, NW	09
33 Gould Street, SE	01
118 Martin Avenue, SE	01
136 South Avenue, SE	01

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on November 29, 2001, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on November 29, 2001, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to clean the premises and close the various structures following real property, upon which structure(s) are located:

Proper Street Address	City Council District
2539 Abner Place, NW	09
33 Gould Street, SE	01
118 Martin Avenue, SE	01
136 South Avenue, SE	02

SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

<u>SECTION 3:</u> That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in <u>SECTION 2</u> of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED by the Council APPROVED by the Mayor

FEB 04, 2002 FEB 12, 2002

Deputy Clerk

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Darin Johnson New Century Mortgage Corp.

11-9-01 on in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 251 of the 17th District of Fulton County, Georgia, being Lot 5, Block "B", Unit Three, Carver Hills Subdivision, as per plat recorded in Plat Book 69, Page 86, Fulton County, Georgia Records, which plat is incorporated herein and made a part hereof by this reference; being improved property known as 2539 Abner Place, according to the present system of numbering houses in the City of Atlanta, Fulton County, Georgia, and being more particularly shown on survey prepared for Veronica Williams by McClung Surveying, Inc., dated November 10, 1997.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia. to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

November 9, 2001

BY:

Bureau of Neighborhood Conservation. Official Agent

(404) 330-6195

BY:

Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Bonita J. Seals
T&T Unlimited Enterprises, Inc.
Gary B. Leverette
Bank One, NA
Vesta Holdings ILLC as Nominee for Heartwood II, Inc.

on 11-9-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 40 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING LOT 7, BLOCK "F", LAKEWOOD HEIGHTS, ACCORDING TO PLAT RECORDED AT PLAT BOOK 1, PAGE 41, FULTON COUNTY, GEORGIA RECORDS, WHICH PLAT BY REFERENCE HERETO IS INCORPORATED HEREIN FOR A MORE COMPLETE DESCRIPTION OF SUBJECT PROPERTY BEING KNOWN AS 33 GOULD STREET, ATLANTA, FULTON COUNTY, GEORGIA 30315.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

November 9, 2001

BY:

Bureau of Neighborhood Conservation. Official Agent

(404)-330-6195~

BY:

Assistant Real Estate City Attorney



Notice is hereby given that a complaint was filed by the City of Atlanta against:

Chancellor American, LLC City & State Factors, Inc. The Lexus Group, Inc.

11-9-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, on seeking relief against the following described real estate, to-wit:

> All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 56 of the 14th district of Fulton County, Georgia, known as the easterly half of lot nine of the Wallace track as per plat made by C.J. Brown and recorded in Deed Book C 3, Page 635 Fulton County Records and being more particularly described as follows:

> Beginning on a point on the northerly side of Martin Avenue, Formerly Buchanan Lane, sixty-eight and five tenths (68.5) feet eastwardly from the northeast corner of Martin Avenue on Jonesboro Road, and running thence eastwardly along the north side of Martin Avenue Sixty (60) feet to lot 10 of said survey; thence northwardly along the west line of said lot forty-six (46) feet; thence westwardly along the south line of lot 7 of said survey sixty (60) feet; thence southwardly forty five and five tenths (45.5) feet to the point of beginning; being the same property conveyed to Annie Moseley by Warranty Deed Dated May 12, 1937 and recorded in Deed Book 1839, Page 55 Fulton County Records and being real property known as 118 Martin Avenue, Atlanta, Georgia 30315 according to the present system of numbering houses in Fulton County, Georgia.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

November 9, 2001

BY:

Bureau of Neighborhood Conservation. Official Agent

(404) 330-6195

BY:

Assistant Real Estaté City Attorney

TO WHOM IT MAY CONCERN:

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Charlie Henry Dunlap Harvest Mortgage Co., Inc. **Contimortgage Corporation** Eagle Funding of S.C. Inc.

11-9-01 in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia, on seeking relief against the following described real estate, to-wit:

> ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 54 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> BEGINNING ON THE NORTH SIDE OF SOUTH AVENUE AT A POINT TWO HUNDRED FIFTY (250) FEET EAST OF MARTIN STREET, AND RUNNING THENCE EAST ALONG THE NORTH SIDE OF SOUTH AVENUE TWENTY FIVE (25) FEET, AND EXTENDING BACK NORTH OF SAME WIDTH OF FRONT A DISTANCE OF ONE HUNDRED (100) FEET TO A FIFTEEN (15) FOOT ALLEY, AND BEING PART OF BLOCK "B" OF THE SUBDIVISION OF LOT 71 OF THE BENJAMIN LITTLE PROPERTY, AS SHOWN ON A PLAT BY T. A. FRIERSON, DATED JUNE 16, 1984, BEING IMPROVED PROPERTY KNOWN AS 136 SOUTH AVENUE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated:

November 9, 2001

BY:

Bureau of Neighborhood Conservation. Official Agent

(404)-330-6195 BY:

Assistant Real Estate City Attorney

Atlanta City Council

Regular Session

MULTIPLE

02-0-0001; Clean & Demolish 02-0-0002; Clean & Close ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith Y Archibong Y Moore Y Mitchell Y Starnes NV Fauver Y Martin Y Norwood Y Young Y Shook Y Maddox Y Willis Y Winslow Y Muller NV Boazman NV Woolard

02- 0 -0005	First Reac Committee Date Chair	First Reading—C.P. H.I.P.	FINAL COUNCIL ACTION Electric Beadings
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	Date 102	Date	CERTIFIED
	Octobrillo	Chair	
ORDINANCE BY: COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE	Action: Action: Fay Adv. Hold (see rev. side)	Action: Eav Adv Hold (see rev side)	
AN ORDINANCE AUTHORIZING THE MAYOR TO BIRECT THE BEPARTMENT OF PLANNING,	Other:	Other:	FEB 0 4 2002
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	Committee	Committee	
FFR 04 2002	Date	Date	SEC 20 25 L
EFE	Chair	Chair	Jan Brand
ADVERTISE & REFER 1st ADOPT 2nd READ & REFER PERSONAL PAPER REFER	Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)	MAYOB'S ACTION
22 02	Other:	Other:	
Referred Fo: Riclopment/Human Resource	Members	Members	
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